

## Maine Revised Statutes

### Title 4: JUDICIARY

#### Chapter 37: MAINE COMMISSION ON INDIGENT LEGAL SERVICES

##### §1804. COMMISSION RESPONSIBILITIES

**1. Executive director.** The commission shall hire an executive director. The executive director must have experience in the legal field, including, but not limited to, the provision of indigent legal services.

[ 2009, c. 419, §2 (NEW) . ]

**2. Standards.** The commission shall develop standards governing the delivery of indigent legal services, including:

A. Standards governing eligibility for indigent legal services; [ 2009, c. 419, §2 (NEW) . ]

B. Standards prescribing minimum experience, training and other qualifications for contract counsel and assigned counsel; [ 2009, c. 419, §2 (NEW) . ]

C. Standards for assigned counsel and contract counsel case loads; [ 2009, c. 419, §2 (NEW) . ]

D. Standards for the evaluation of assigned counsel and contract counsel; [ 2009, c. 419, §2 (NEW) . ]

E. Standards for independent, quality and efficient representation of clients whose cases present conflicts of interest; [ 2009, c. 419, §2 (NEW) . ]

F. Standards for the reimbursement of expenses incurred by assigned counsel and contract counsel; and [ 2009, c. 419, §2 (NEW) . ]

G. Other standards considered necessary and appropriate to ensure the delivery of adequate indigent legal services. [ 2009, c. 419, §2 (NEW) . ]

[ 2009, c. 419, §2 (NEW) . ]

**3. Duties.** The commission shall:

A. Develop and maintain a system that uses appointed private attorneys, contracts with individual attorneys or groups of attorneys and consider other programs necessary to provide quality and efficient indigent legal services; [ 2009, c. 419, §2 (NEW) . ]

B. Develop and maintain an assigned counsel voucher review and payment authorization system; [ 2009, c. 419, §2 (NEW) . ]

C. Establish processes and procedures consistent with commission standards to ensure that office and contract personnel use information technology and case load management systems so that detailed expenditure and case load data are accurately collected, recorded and reported; [ 2011, c. 420, Pt. C, §1 (AMD) . ]

D. Develop criminal defense, child protective and involuntary commitment representation training and evaluation programs for attorneys throughout the State to ensure an adequate pool of qualified attorneys; [ 2009, c. 419, §2 (NEW) . ]

E. Establish minimum qualifications to ensure that attorneys are qualified and capable of providing quality representation in the case types to which they are assigned, recognizing that quality representation in each of these types of cases requires counsel with experience and specialized training in that field; [ 2009, c. 419, §2 (NEW) . ]

F. Establish rates of compensation for assigned counsel; [2009, c. 419, §2 (NEW).]

G. Establish a method for accurately tracking and monitoring case loads of assigned counsel and contract counsel; [2009, c. 419, §2 (NEW).]

H. Submit to the Legislature, the Chief Justice of the Supreme Judicial Court and the Governor an annual report on the operation, needs and costs of the indigent legal services system; [2009, c. 419, §2 (NEW).]

I. Approve and submit a biennial budget request to the Department of Administrative and Financial Services, Bureau of the Budget, including supplemental budget requests as necessary; [2013, c. 159, §11 (AMD).]

J. Develop an administrative review and appeal process for attorneys who are aggrieved by a decision of the executive director, or the executive director's designee, determining:

(1) Whether an attorney meets the minimum eligibility requirements to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements;

(2) Whether an attorney previously found eligible is no longer eligible to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements; and

(3) Whether to grant or withhold a waiver of the eligibility requirements set forth in any commission rule.

All decisions of the commission, including decisions on appeals under subparagraphs (1), (2) and (3), constitute final agency action. All decisions of the executive director, or the executive director's designee, other than decisions appealable under subparagraphs (1), (2) and (3), constitute final agency action; and [2013, c. 159, §12 (AMD).]

K. Pay appellate counsel. [2013, c. 159, §13 (NEW).]

[2013, c. 159, §§11-13 (AMD).]

#### **4. Powers.** The commission may:

A. Establish and maintain a principal office and other offices within the State as it considers necessary; [2009, c. 419, §2 (NEW).]

B. Meet and conduct business at any place within the State; [2009, c. 419, §2 (NEW).]

C. Use voluntary and uncompensated services of private individuals and organizations as may from time to time be offered and needed; [2009, c. 419, §2 (NEW).]

D. Adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that rules adopted to establish standards under subsection 2, paragraph B and rates of compensation for assigned counsel and contract counsel under subsection 2, paragraph F are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A; and [2013, c. 368, Pt. RRR, §1 (AMD); 2013, c. 368, Pt. RRR, §4 (AFF).]

E. Appear in court and before other administrative bodies represented by its own attorneys. [2009, c. 419, §2 (NEW).]

[2013, c. 368, Pt. RRR, §1 (AMD); 2013, c. 368, Pt. RRR, §4 (AFF).]

#### **SECTION HISTORY**

2009, c. 419, §2 (NEW). 2011, c. 141, §1 (AMD). 2011, c. 420, Pt. C, §1 (AMD). 2013, c. 159, §§11-13 (AMD). 2013, c. 368, Pt. RRR, §1 (AMD). 2013, c. 368, Pt. RRR, §4 (AFF).

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